

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JULIAN GUILLEN,)	
)	Civil Action No. 07 - 245J
Plaintiff,)	
)	District Judge Kim R. Gibson
v.)	
)	
MR. ZENK, Warden at M.V.C.C.; M.)	
DAWSON, Medical Administrator; DOCTOR)	
FAMIGLIO; and CORNELL COMPANIES,)	
)	
Defendants)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on September 27, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on December 4, 2008 (doc. no. 33), recommending that Defendants' Second Motion to Dismiss (doc. no. 18, *errata* docketed at no. 20) be granted and that the Court decline to exercise jurisdiction over Plaintiff's state law claims. Plaintiff filed Objections to the Report and Recommendation on December 23, 2008 (doc. no. 35). Plaintiff's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 30th day of December, 2008;

IT IS HEREBY ORDERED that Defendants' Second Motion to Dismiss (doc. no. 18, *errata* docketed at no. 20) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 33) of Magistrate Judge Lenihan dated December 4, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Julian Guillen
28358-069
CI Moshannon Valley
555 I-Cornell Drive
Philipsburg, PA 16866